

<b>Guide for Review of RHED Procurement</b>			
<b>Name of Program Participant:</b>			
<b>Grant Number(s):</b>		<b>NOFA Date (s):</b>	
<b>Date of Amendment(s):</b>		<b>Date Funds Obligated:</b>	
<b>Staff Consulted:</b>			
<b>Name(s) of Reviewer(s):</b>		<b>Date:</b>	

**NOTE:** All questions that address requirements contain the citation for the source of the requirement (statute, regulation, NOFA, or grant agreement). If the requirement is not met, HUD must make a finding of noncompliance. All other questions (questions that do not contain the citation for the requirement) do not address requirements, but are included to assist the reviewer in understanding the participant's program more fully and/or to identify issues that, if not properly addressed, could result in deficient performance. Negative conclusions to these questions may result in a "concern" being raised, but not a "**finding**."

**Instructions:** This Exhibit is designed to assess the RHED program participant's compliance with applicable procurement requirements. It is divided into eight sections: Sample Selection; Small Purchases; Competitive Sealed Bids; Competitive Proposals; Noncompetitive Proposals; General Provisions/Procedures; Bonding and Insurance; and Contracting with Small and Minority Firms, Women's Business Enterprises and Labor Surplus Area Firms. If the program participant's accounting system includes information on contracts, purchase orders, etc., related to the RHED program, such a system can be a convenient starting point for selecting procurement transactions to review, following the sampling guidance in Section 16-3 of the introduction to this Chapter. RHED program participants are required to comply with the uniform administrative requirements at 24 CFR Parts 84 and 85 pursuant to the executed grant agreements.

**A. SAMPLE SELECTION**

1.

Provide the following information for the selected sample of procurement transactions (adding more lines as needed):					
Name of Contractor/Purpose	Date of Purchase	Amount Budgeted	Amount Obligated	Amount Expended	Procurement Method*
1.					
2.					
3.					
4.					
5.					

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Provide the following information for the selected sample of procurement transactions (adding more lines as needed):

Name of Contractor/Purpose	Date of Purchase	Amount Budgeted	Amount Obligated	Amount Expended	Procurement Method*
6.					
7.					
8.					
9.					
10.					

- \* Use the following numbers for these methods of procurement [see 24 CFR 84.40 and 24 CFR 85.36]: (1) Small Purchase; (2) Sealed Bids; (3) Competitive Proposals; and (4) Noncompetitive Proposals.

B. SMALL PURCHASES

2.

<p>a. Can the program participant document receipt of an adequate number of price or rate quotations from qualified sources for procurements of \$100,000 or less? [Grant Agreement, Article I, Section E; 24 CFR 84.44(e) or 24 CFR 85.36(d)(1)]</p>	<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>
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**Describe Basis for Conclusion:**

b. Describe types of purchases and price or rate quotes received.

**Describe Basis for Conclusion:**

C. COMPETITIVE SEALED BIDS

3.

Summarize the program participant's formal, competitive sealed bid process.
<b>Describe Basis for Conclusion:</b>

4.

Does the program participant receive at least two or more responsible bids for each procurement transaction? [Grant Agreement, Article I, Section E; 24 CFR 85.36(d)(2)(i)(B) or 24 CFR 84.44]	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>Describe Basis for Conclusion:</b>		

5.

For the transactions reviewed, do the procurements lend themselves to firm, fixed price contracts and can selections of successful bidders be made principally on the basis of price? [Grant Agreement, Article I, Section E; 24 CFR 85.36(d)(2)(i)(C) or 24 CFR 84.44(c)]	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>Describe Basis for Conclusion:</b>		

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6.

<p>Does the program participant advertise Invitations For Bids (IFBs) in a publication (or publications) of general circulation? [Grant Agreement, Article I, Section E; 24 CFR 85.36(d)(2)(ii)(A)]</p>	<div style="display: flex; justify-content: space-around;"><div><input type="checkbox"/> <b>Yes</b></div><div><input type="checkbox"/> <b>No</b></div></div>
<p><b>Describe Basis for Conclusion:</b></p> <div style="height: 150px; border: 1px solid black;"></div>	

7.

<p>For the transactions reviewed, do the IFBs include specifications and pertinent attachments that clearly define the items or services needed in order for the bidders to properly respond? [Grant Agreement, Article I, Section E; 24 CFR 85.35(d)(2)(ii)(B) or 24 CFR 84.44(a)(3)(i)]</p>	<div style="display: flex; justify-content: space-around;"><div><input type="checkbox"/> <b>Yes</b></div><div><input type="checkbox"/> <b>No</b></div></div>
<p><b>Describe Basis for Conclusion:</b></p> <div style="height: 150px; border: 1px solid black;"></div>	

8.

<p>For the transactions reviewed, were all bids opened publicly at the times and places stated in the IFBs? [Grant Agreement, Article I, Section E; 24 CFR 85.36(d)(2)(ii)(C)]</p>	<div style="display: flex; justify-content: space-around;"><div><input type="checkbox"/> <b>Yes</b></div><div><input type="checkbox"/> <b>No</b></div></div>
<p><b>Describe Basis for Conclusion:</b></p> <div style="height: 150px; border: 1px solid black;"></div>	

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9.

Are contracts awarded to the lowest responsive and responsible bidders? [Grant Agreement, Article I, Section E; 24 CFR 85.36(d)(2)(ii)(D) or 24 CFR 84.44(d)]	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>Describe Basis for Conclusion:</b>          		

D. COMPETITIVE PROPOSALS.

10.

Is this procurement method used only when conditions are not appropriate for the use of formal advertising? [Grant Agreement, Article I, Section E; 24 CFR 85.36(d)(3)]	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>Describe Basis for Conclusion:</b>          		

11.

For the transactions reviewed, do the Request for Proposals (RFPs) clearly and accurately state the technical requirements for the goods or services to be procured? [Grant Agreement, Article I, Section E; 24 CFR 85.36(d)(3) or 24 CFR 84.44(a)(3)(i)]	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>Describe Basis for Conclusion:</b>          		

12.

Are proposals solicited from an adequate number of qualified sources, consistent with the nature and requirements of the procurements? [Grant Agreement, Article I, Section E; 24 CFR 85.36(d)(3)(ii) or 24 CFR 84.43]	<input type="checkbox"/> <input type="checkbox"/> <b>Yes      No</b>
<b>Describe Basis for Conclusion:</b> <div style="height: 100px; border: 1px solid black;"></div>	

13.

Does the program participant publicize RFPs and honor reasonable requests by parties to compete to the maximum extent practicable? [Grant Agreement, Article I, Section E; 24 CFR 85.36(d)(3)(i) or 24 CFR 84.43]	<input type="checkbox"/> <input type="checkbox"/> <b>Yes      No</b>
<b>Describe Basis for Conclusion:</b> <div style="height: 100px; border: 1px solid black;"></div>	

14.

Do the RFPs reviewed identify all significant evaluation factors, including price or cost where required, and their relative importance? [Grant Agreement, Article I, Section E; 24 CFR 85.36(d)(3)(i) or 24 CFR 84.45]	<input type="checkbox"/> <input type="checkbox"/> <b>Yes      No</b>
<b>Describe Basis for Conclusion:</b> <div style="height: 100px; border: 1px solid black;"></div>	

15.

Does the program participant:	
a. conduct technical evaluations of submitted proposals? [Grant Agreement, Article I, Section E; 24 CFR 85.36(d)(3)(iii) or 24 CFR 84.40]	<input type="checkbox"/> <input type="checkbox"/> <b>Yes      No</b>
b. determine responsible offerors from such evaluations? [Grant Agreement, Article I, Section E; 24 CFR 85.36(d)(3)(iii) or 24 CFR 84.40]	<input type="checkbox"/> <input type="checkbox"/> <b>Yes      No</b>

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c. as necessary, conduct negotiations, written or oral, for final contract award? [Grant Agreement, Article I, Section E; 24 CFR 85.36(d)(3)(iii) or 24 CFR 84.40]	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
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d. make awards to the most responsive and responsible offerors whose proposals will be most advantageous to the participant after price and other factors are considered? [Grant Agreement, Article I, Section E; 24 CFR 85.36(d)(3)(iv) or 24 CFR 84.40]	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
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<b>Describe Basis for Conclusion:</b>          	
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16.

If architectural/engineering professional services are needed by the program participant, are such proposals evaluated with respect to factors other than price and can the program participant document the basis for negotiations of fair and reasonable compensation? [Grant Agreement, Article I, Section E; 24 CFR 85.36(f) or 24 CFR 84.40]	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>	<input type="checkbox"/> <b>N/A</b>
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<b>Describe Basis for Conclusion:</b>          	
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17.

For procurement of architectural and engineering professional services, does the program participant maintain a list of qualified offerors who can respond to its RFPs? [Grant Agreement, Article I, Section E; 24 CFR 85.36(d)(3)(v) or 24 CFR 84.40]	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
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<b>Describe Basis for Conclusion:</b>          	
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18.

19.

20.



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c. contractor selection or rejection? [Grant Agreement, Article I, Section E , 24 CFR 85.36(b)(9) or 24 CFR 84.46(a)]	<input type="checkbox"/> <input type="checkbox"/> <b>Yes      No</b>
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d. the basis for the cost or price of the contract? [Grant Agreement, Article I, Section E; 24 CFR 85.36(b)(9) or 24 CFR 84.46(c)]	<input type="checkbox"/> <input type="checkbox"/> <b>Yes      No</b>
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<b>Describe Basis for Conclusion:</b>          	
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21.

Is contract pricing always based on a method other than the “cost-plus-a-percentage-of-cost” method? [Grant Agreement, Article I, Section E; 24 CFR 85.36(f)(4) or 24 CFR 84.44I]	<input type="checkbox"/> <input type="checkbox"/> <b>Yes      No</b>
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<b>Describe Basis for Conclusion:</b>          	
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22.

Are procurement procedures in place to ensure that:	
a. purchase orders and contracts are signed by an authorized program official? [Grant Agreement, Article I, Section E; 24 CFR 85.36 or 24 CFR 84.40]	<input type="checkbox"/> <input type="checkbox"/> <b>Yes      No</b>

<b>Describe Basis for Conclusion:</b>          	
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b. items delivered and paid for are consistent with the items contained in the corresponding purchase order and/or contract? [Grant Agreement, Article I, Section E; 24 CFR 85.36 or 24 CFR 84.40]	<div style="display: flex; justify-content: space-around;"><div><input type="checkbox"/> <b>Yes</b></div><div><input type="checkbox"/> <b>No</b></div></div>
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<b>Describe Basis for Conclusion:</b>          	
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c. timely payment of vendors occurs, once requested, when orders have been delivered, inspected, accepted, and payment to the vendor has been approved? [Grant Agreement, Article I, Section E; 24 CFR 85.36 or 24 CFR 84.40]	<div style="display: flex; justify-content: space-around;"><div><input type="checkbox"/> <b>Yes</b></div><div><input type="checkbox"/> <b>No</b></div></div>
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<b>Describe Basis for Conclusion:</b>          	
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d. a cost or price analysis is performed in connection with every procurement action, including contract modifications? [Grant Agreement, Article I, Section E; 24 CFR 85.36 or 24 CFR 84.45]	<div style="display: flex; justify-content: space-around;"><div><input type="checkbox"/> <b>Yes</b></div><div><input type="checkbox"/> <b>No</b></div></div>
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<b>Describe Basis for Conclusion:</b>          	
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e. profit is negotiated as a separate element of price where price competition is lacking or a cost analysis is performed? [Grant Agreement, Article I, Section E; 24 CFR 85.36 or 24 CFR 84.44(c)]	<div style="display: flex; justify-content: space-around;"><div><input type="checkbox"/> <b>Yes</b></div><div><input type="checkbox"/> <b>No</b></div></div>
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<b>Describe Basis for Conclusion:</b>          	
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23.

Are the contract provisions listed in the RHED Grant Agreement appropriately included in the RHED contracts? [Grant Agreement, Article I, Section E; 24 CFR 85.36(i) or 24 CFR 84.44(b)]	<input type="checkbox"/> <input type="checkbox"/> <b>Yes</b> <b>No</b>
<b>Describe Basis for Conclusion:</b>          	

24.

Does the program participant have a written code of conduct governing employees, officers or agents engaged in the award and administration of contracts supported by grant funds? [Grant Agreement, Article I, Section E; 24 CFR 85.36(b)(3) or 24 CFR 84.42]	<input type="checkbox"/> <input type="checkbox"/> <b>Yes</b> <b>No</b>
<b>Describe Basis for Conclusion:</b>          	

25.

Can the program participant document a system of contract administration for determining the adequacy of contractors' performance? [Grant Agreement, Article I, Section E; 24 CFR 85.36(b)(2) or 24 CFR 84.51]	<input type="checkbox"/> <input type="checkbox"/> <b>Yes</b> <b>No</b>
<b>Describe Basis for Conclusion:</b>          	

26.

Can the program participant show that its project sponsors or subrecipients are required to follow applicable procurement policies and procedures in the administration of their contracts and purchase orders? [Grant Agreement, Article I, Section E; 24 CFR 85.36(b)(2) or 24 CFR 84.45 and 84.48(e)]	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>Describe Basis for Conclusion:</b>     		

27.

If the program participant uses prequalified lists, are such lists: <ul style="list-style-type: none"><li>• current,</li><li>• developed through an open solicitation process without overly restrictive criteria, and</li><li>• include an adequate number of qualified sources?</li></ul> [Grant Agreement, Article I, Section E; 24 CFR 85.36 or 24 CFR 84.43]	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
<b>Describe Basis for Conclusion:</b>     		

G. BONDING AND INSURANCE

28.

If contracts have been awarded for construction or facility improvements under the grant program(s), does the program participant:			
a. follow its own requirements relating to bid guarantees, performance bonds and payment bonds for construction contracts or subcontracts valued at or below \$100,000? [Grant Agreement, Article I, Section E; 24 CFR 85.36(h)]	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>	<input type="checkbox"/> <b>N/A</b>
<b>Describe Basis for Conclusion:</b>     			

b. meet the minimum Federal requirements for bid guarantees, performance bonds and payment bonds for construction contracts or subcontracts valued above \$100,000? [Grant Agreement, Article I, Section E; 24 CFR 85.36(h)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <b>Yes    No    N/A</b>
<b>Describe Basis for Conclusion:</b> <div style="height: 100px; border: 1px solid black;"></div>	

H. CONTRACTING WITH SMALL AND MINORITY FIRMS, WOMEN’S BUSINESS ENTERPRISES AND LABOR SURPLUS AREA FIRMS

29.

Is the program participant taking affirmative steps to use small, minority-owned and women-owned businesses in RHED funded contracts? [Grant Agreement, Article I, Section E; 24 CFR 84.44(b) or 24 CFR 85.36(h)]
<b>Describe Basis for Conclusion</b> <div style="height: 100px; border: 1px solid black;"></div>

30.

If the program participant is not taking the steps identified in Question 14 above, list the affirmative actions it is taking to assure the use of small, minority-owned and women-owned businesses when possible. [Grant Agreement, Article I, Section E; 24 CFR 84.44(b) or 24 CFR 85.36(h)]
<b>Describe Basis for Conclusion</b> <div style="height: 100px; border: 1px solid black;"></div>